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असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 12th August, 1966:—

BILL No. 54 OF 1966

A Bill further to amend the Customs Act, 1962.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Customs (Amendment) Act, 1966. Short title.

52 of 1962.

2. In section 14 of the Customs Act, 1962 (hereinafter referred to as the principal Act), in sub-section (1), to clause (a), the following proviso shall be added, namely:— Amendment of section 14.

“Provided that in the case of imported goods, such price shall be calculated with reference to the rate of exchange as in force on the relevant date referred to in sub-section (1) of section 15;”.

Amend-
ment of
section 15

3. In section 15 of the principal Act,—

(a) in sub-section (1), for the words "The rate of duty", the words "The rate of duty, rate of exchange" shall be substituted;

(b) after sub-section (2), the following sub-section shall 5
be inserted, namely:—

‘(3) For the purposes of section 14 and this section—

(a) "rate of exchange" means the rate of exchange determined by the Central Government for the conversion of Indian currency into foreign currency or 10
foreign currency into Indian currency;

(b) "foreign currency" and "Indian currency" have the meanings respectively assigned to them in the Foreign Exchange Regulation Act, 1947’.

7 of 1947.

Repeal
and
saving.

4. (1) The Customs (Amendment) Ordinance, 1966, is hereby 15 8 of 1966.
repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on 20
the 6th day of June, 1966.

STATEMENT OF OBJECTS AND REASONS

Consequent on devaluation, Government considered it necessary to amend the Customs Act, 1962, so as to provide explicitly in section 14 of the Act, which relates to valuation of goods for purposes of assessment, that the price of imported goods should be determined with reference to the rates of exchange as in force on the relevant date referred to in section 15 of the Act. Such amendment would ensure the determination of the value and the rate of duty for Customs purposes, in respect of all goods imported before the date of devaluation but removed from Customs Bonded Warehouses on or after that date, at the new rates of exchange. It would place the importers who had warehoused their imported goods before the date of devaluation in the same position with regard to Customs duty *vis-a-vis* other importers of similar goods who cleared them directly for home consumption after that date. The President accordingly promulgated the Customs (Amendment) Ordinance, 1966, on the 7th July, 1966, to amend sections 14 and 15 of the Act for the above purpose. This Bill is intended to replace the Ordinance.

NEW DELHI;
The 6th August, 1966.

SACHINDRA CHAUDHURI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA.

[Copy of letter No. 2/6/66-Cus.VI, dated the 6th August, 1966 from Shri Sachindra Chaudhuri, Minister of Finance to the Secretary, Lok Sabha.].

The President having been informed of the subject matter of the proposed Bill recommends under article 117(1) of the Constitution of India the introduction of the Bill.

BILL No. 46 OF 1966

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1966.

Omission
of article
35A.

2. Article 35A of the Constitution shall be omitted.

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STATEMENT OF OBJECTS AND REASONS

Kashmir being an integral part of India, there should not be any discrimination between citizens of India so far as the fundamental rights to purchase, enjoy and dispose of property, settlement in the State, employment, etc., are concerned. Unreasonable restriction on these rights is a clear violation of articles 13 and 19; article 35A which gives extraordinary power to the Government of Jammu and Kashmir and thereby restricts the scope of article 13 nullifies the whole significance of guarantee of fundamental rights so far as Kashmir is concerned.

Hence the necessity to delete article 35A.

NEW DELHI;

DIWAN CHAND SHARMA.

The 4th June, 1966.

S. L. SHAKDHER,
Secretary.

